IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5192 OF 2005

M/s.Dynasty Welferd Ltd. & Ors. ...Applicants

Versus

Premier Automobiles Ltd. & Anr. ...Respondents

.....

Mr.A.P.Mundargi with Mr.Prashant Badole for Applicants.

Mr.S.S.Parab for Respondent No.1.

Ms.M.H.Mhatre, A.P.P. for Respondent No.2.

.....

CORAM: A.M.KHANWILKAR, J.

DECEMBER 5, 2005.

P.C.

1. The only question raised by Mr.Mundargi and would arise for consideration is: whether the Court below was justified in insisting that the Applicants should deposit compensation amount before the prayer for bail was considered? In my opinion, no fault can be found with the approach of the lower Court, especially when the Apex Court in

the case of **Hari Kishan and State of Haryana vs. Sukhbir Singh reported in AIR 1988 SC 2127 in** Para 11 has observed that the reasonable period for payment of compensation, if necessary, by instalments may be given and on failure to deposit the amount, the Court may impose sentence to be suffered by the accused, which in this case has been mentioned as simple imprisonment for nine months by the Trial Court. It is not the case of the Applicants that the Applicants are willing to pay the amount by instalment. The view taken in **Hari Kishan's case (supra)** is followed by another decision of the Apex Court in **Suganthi Suresh Kumar vs. Jagdeeshan reproted in AIR 2002 SC 681**. In Para 11 of this decision, Apex Court has reiterated the principle stated in **Hari Kishan's case (supra)**. I see no reason to interfere.

2. It may be mentioned that the appeal is still pending for consideration before the Appellate Court. In the circumstances, dismissed.

A.M.KHANWILKAR, J.